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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,746	12/12/2000	Richard Barrington	A33025-066680.0111	4818

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EXAMINER
WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/734,746	RICHARD BARINGTON ET AL.
		Examiner	Art Unit
		Steven R. Wasylchak	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 December 2000</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for patent or
> (2) a patent granted on an application for patent by another filed in the United States before
> the invention by the applicant for patent, except that an international application filed under
> the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
> application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-35 are rejected under 35 U.S.C. 102(e) as being unpatentable

over Edelman (US 6,064,986).

CLAIMS:

1.A process for determining at least one financial indicator for investments and.

savings to achieve a particular goal, comprising the steps of:

obtaining financial information from an investor,/abstract; col 1, L16-34; col 2, L

43-65; col 23, L 50-60; col 24, L17-23 (time is a financial indicator as in the

present or future value of a revenue stream over N periods discounted at 6%)

obtaining further information which is indicative of at least one of:

a. the investor's tolerance for a decline in the investments, and/fig 13 (age to

retirement selection as tolerance for decline in investments: the longer the time,

the greater the risk)

b. the investor's tolerance for failure to achieve the particular goal;/-----at least

one of---see a. above

and determining the at least one financial indicator as a function of the financial

information and the further information./col 24, L 17-23 (time as financial

indicator)

2. The process according to claim 1, wherein the further information is indicative

of the investor's tolerance for the decline in the investment./ fig 3 (age)

3. The process according to claim 1, wherein the further information is indicative

of the investor's tolerance for failure to achieve the particular goal./ fig 3 (age)

4. The process according to claim 1, wherein the further information includes first

and second information, the first information being indicative of the investor's

tolerance for the decline in the investment, the second information being

indicative of the investor's tolerance for failure to achieve the particular goal./fig 3

(age)

5. The process according to claim 4, wherein the at least one financial indicator is

determined as a function of the particular information, the first information and

the second information./ col 2, L 43-65; col 23, L 50-60; col 24, L17-23 (time,

given by age, is a financial indicator as in the present or future value of a revenue

stream over N periods discounted at 6%)

6. The process according to claim 1, wherein the at least one financial indicator

includes asset allocation data for the investor./ col 3, L 3-14

7. The process according to claim 6, wherein the determining step includes the

sub step of calculating the asset allocation data based on the financial

information./ col 2, L 43-65; col 23, L 50-60; col 24, L17-23 (time, given by age, is

a financial indicator as in the present or future value of a revenue stream over N

periods discounted at 6%)

8. The process according to claim 7, further comprising the step of:

obtaining historical data for the investor or for at least one further party, wherein

the asset allocation data is calculated using the historical data./col 4, L 1-21

9. The process according to claim 6, wherein the at least one financial indicator

includes return assumption data for the investor./ col 4, L 1-21

10. The process according to claim 9, wherein the determining step includes the

sub step of calculating the return assumption data based on the asset allocation

data and the financial information./ col 3, L 20-55; col 4, L 1-21

11. The process according to claim 6, wherein the at least one financial indicator

include annual savings data for the investor./ fig 3; col 4, L 1-21

12. The process according to claim 11, wherein the annual saving data includes

at least one of :

a. first data indicative of a lump sum needed for a retirement of the investor,/fig

1,2, 8, 9

b. second data indicative of a value of current savings at the retirement of the

investor,/fig 8; col 1, L 36-39; col 2, L 10 to col 3, L 14

c. third data indicative of total savings needed to close a gap for the investor

between the first data and the second data, and/fig 1,2,8

d. fourth data indicative of annual savings needed to close the gap./ fig 8; col 3, L

44-60

13. The process according to claim 1, wherein the financial information includes

at least one of:

a. current income of the investor,/fig 7(133)

b. expected years until retirement of the investor,/col 4, L 1-21;

c.expected years to be spent in retirement,/ col 2, L 10 to col 3, L 14

d. target annual retirement income of the investor,/ col 2, L 10 to col 3, L 14

e. estimated annual social security benefits of the investor, and/fig 1,2; col 3, L

15-60

f. current retirement assets of the investor./ col 2, L 10 to col 3, L 14

14. The process according to claim 13, wherein the at least one financial

indicator includes return assumption data for the investor and lump sum data for

the retirement of the investor, and wherein the lump sum data are calculated

based on:

the estimated annual social security benefits,/ fig 1,2; col 3, L 15-60

the expected years to be spent in the retirement, and/ fig 1,2; col 3, L 15-60

the return assumption data./ fig 1,2; col 3, L 15-60

15.The process according to claim 13, wherein the at least one financial indicator

includes return assumption data for the investor and current value of savings

data at the retirement of the investor, and wherein the current value of savings

data are calculated based on:

-the current retirement assets of the investor,/ col 2, L 10 to col 3, L 14

-the expected years until the retirement of the investor, and/ col 2, L 10 to col 3, L

-the return assumption data./ fig 1,2; col 3, L 15-60

16. The process according to claim 15, wherein the at least one financial indicator

includes return assumption data for the investor and annual current saving data

need for the retirement of the investor, and wherein the current savings data are

calculated based on:

the current value of savings data,/col 4, L 1-21

the expected years until the retirement of the investor, and/ col 2, L 10 to col 3, L

14

the return assumption data./ fig 1,2; col 3, L 15-60

17. The process according to claim 1, further comprising the steps of:

determining if the at least one financial indicator is acceptable;/ col 24, L17-23

(time is a financial indicator as in the present or future value of a revenue stream

over N periods discounted at 6%)

if the at least one financial indicator is not acceptable, receiving additional

financial information which includes at least one portion which is different from

at least one portion of the obtained financial information; and/ col 2, L 10 to col 3,

L 14

determining the at least one financial indicator as a function of the received

additional financial information and the further information./ col 2, L 10 to col 3, L

14

18. A system for determining at least one financial indicator for investments and

savings to achieve a particular goal, comprising:

a processing arrangement which:

obtains financial information from an investor;

obtains further information which is indicative of at least one of

b. the investor's tolerance for a decline in the investments, arid

the investor's tolerance for failure to achieve the particular goal,

determines the at least one financial indicator as a function of the financial

information and the further information./ all the above refer to claim 1

19. The system according to claim 18, wherein the further information is

indicative of the investor's tolerance for the decline in the investment./ refer to

claim 2

20. The system according to claim 18, wherein the further information is

indicative of the investor's tolerance for failure to achieve the particular goal./

refer to claim 3

21. The system according to claim 18, wherein the further information includes

first and second information, the first information being indicative of the investor's

tolerance for the decline in the investment, the second information being

indicative of the investor's tolerance for failure to achieve the particular goal./

refer to claim 4

22. The system according to claim 21, wherein the processing arrangement

determines the at least one financial indicator as a function of the particular

information, the first information and the second information./ refer to claim 5

23. The system according to claim 18, wherein the at least one financial indicator

includes asset allocation data for the investor./ refer to claim 6

24. The system according to claim 23, wherein the processing arrangement

determines the at least financial indicator by calculating the asset allocation data

based on the financial information./ refer to claim 7

25. The system according to claim 24, wherein the processing arrangement

obtains historical data for the investor or for at least one further party, and

calculates the asset allocation data using the historical data./ refer to claim 8

26. The system according to claim 23, wherein the at least one financial indicator

includes return assumption data for the investor./ refer to claim 9

27. The system according to claim 26, wherein the processing arrangement

determines the at least financial indicator by calculating the return assumption

data based on the asset allocation data and the financial information./ refer to

claim 10

28. The system according to claim 23, wherein the at least one financial indicator

include annual savings data for the investor./ refer to claim 11 ·

29. The system according to claim 28, wherein the annual saving data includes

at least one of:

a. first data indicative of a lump sum needed for a retirement of the investor,

b. second data indicative of a value of current savings at the retirement of the

investor,

c.third data indicative of total savings needed to close a gap for the investor

between the first data and the second data, and

d. fourth data indicative of annual savings needed to close the gap./ refer to claim

12

30. The system according to claim 18, wherein the financial information includes

at least one

of :

a. current income of the investor,

b. expected years until retirement of the investor,

c. expected years to be spent in retirement,

d. target annual retirement income of the investor,

e. estimated annual social security benefits of the investor, and

f. current retirement assets of the investor./ refer to claim 13

31. The system according to claim 30, wherein the at least one financial indicator

includes return assumption data for the investor and lump sum data for the

retirement of the investor, and

wherein the processing arrangement calculates the lump stun data based on:

the estimated annual social security benefits,

the expected years to be spent in the retirement, and

the return assumption data./ refer to claim 14

32. The system according to claim 30, wherein the at least one financial indicator

includes return assumption data for the investor and current value of savings

data at the retirement of the investor, and wherein the processing arrangement

calculates the current value of savings data based on:

- the current retirement assets of the investor,

- the expected years until the retirement of the investor, and/

the return assumption data./ refer to claim 15

33. The system according to claim 32, wherein the at least one financial indicator

includes return assumption data for the investor and annual current saving data

need for the retirement of the investor, and wherein the processing arrangement

calculates the current savings data based on:

the current value of savings data,

the expected years until the retirement of the investor, and

the return assumption data./ refer to claim 16

34.The system according to claim 1, wherein the processing arrangement:

determines if the at least one financial indicator is acceptable,

if the at least one financial indicator is not acceptable, receives additional

financial information which includes at least one portion which is different from

at least one portion of the obtained financial information, and

determines the at least one financial indicator as a function of the received

additional financial information and the further information./ refer to claim 17

35.A financial planning engine for determining at least one financial indicator for

investments and savings to achieve a particular goal, comprising:

at least one software module which is capable of being executed by a processing

device to:

-obtain financial information from an investor,

-obtain further information which is indicative of at least one of:

a. the investor's tolerance for a decline in the investments, and

b. the investor's tolerance for failure to achieve the particular goal,

determine the at least one financial indicator as a function of the financial

information and the further information./ refer to claim 18

This action is **NON-FINAL**. Any inquiry concerning this communication or

earlier communications from the examiner should be directed to Steven R.

Wasylchak whose telephone number is (703) 308-2848. The examiner can

normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax

number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the receptionist whose telephone number is

(703) 308-1113.

Steven Wasylchak

11/23/04

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